

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Kelly Services, Inc.,

Plaintiff

v.

A2Z Global Staffing, Inc., et al.,

Defendants

2:15-cv-001443-JAD-PAL

**Order Granting Motion to Set Aside
Stipulation for Order of Dismissal without
Prejudice and Reopening Case**

[ECF 33, 34, 35]

Plaintiff moves to reopen this case and revive the claims against A2Z Global Staffing, Inc., Alexis J. Okeefe, Susan M. Okeefe, and Daven Ricketts.¹ Plaintiff explains that the court misinterpreted its stipulation to dismiss claims against Allan J. Okeefe only as a stipulation to dismiss all claims, and that the court mistakenly instructed the Clerk of Court to close this case.²

The stipulation between plaintiff and Allan J. Okeefe is defective. It did not seek to dismiss the claims against Allan only; it states “IT IS HEREBY STIPULATED by and between the parties hereto, through their respective attorneys, that Plaintiff’s cause of action be dismissed without prejudice and without costs to any party.”³ As Allan Okeefe is the only defendant who has appeared in this case, this was a stipulation between all parties to this case, and the court reasonably interpreted this very broad language as the termination of all claims.

Nevertheless, it appears from plaintiff’s motion that its intention was to dismiss only its claims against Allan J. Okeefe, even though the stipulation did not fairly reflect that intention. Accordingly, good cause exists to set aside the stipulation and order [ECF 33, 34] based on the parties’ mistake. The court will set aside the order [ECF 34] granting the stipulation and instead deny the original stipulation [ECF 33] as too broad. The parties are instructed to file a new stipulation that makes it clear that Kelly Services, Inc. and Allan J. Okeefe are stipulating to dismiss only the claims against Allan.

¹ ECF 35.

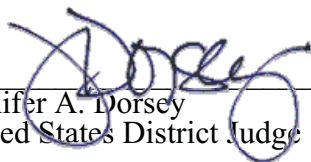
² *Id.*

³ ECF 33.

1 Accordingly, IT IS HEREBY ORDERED that the Motion to Set Aside Order [ECF 35] is
2 **GRANTED**; the Clerk of Court is instructed to **REOPEN this case**;

3 IT IS FURTHER ORDERED that the **Order** granting the Stipulation for Order of
4 Dismissal without Prejudice [ECF 34] is **VACATED**, and the **Stipulation** for Order of
5 Dismissal without Prejudice [ECF 33] is **DENIED** without prejudice to the filing of a new
6 stipulation that makes it clear the parties are seeking the dismissal of the claims against Allan J.
7 Okeefe ONLY.

8 Dated this 30th day of March, 2016.

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11 Jennifer A. Dorsey
12 United States District Judge
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